

#19



UNITED STATES
PATENT AND
TRADEMARK OFFICE

**Office of Patent Publication
Pre-Grant Publication Division**

2231 Crystal Drive
Crystal Park 3
Suite 905
Arlington, VA 22202
Voice (703) 605-4284
Fax (703) 305-8568

To: Tech Center 2800

From: Barbara J. Debnam *Barbara J. Debnam*
PG Publications, CPK-3, Suite 905

Date: July 9, 2003

Re: Application Number 09/759,601

The attached Request to Rescind Non-Publication Request has been processed and a Corrected Filing Receipt has been mailed to the applicant. Please match this paperwork to the file. Thank you.

RECEIVED
U.S. PATENT AND TRADEMARK OFFICE
JUL 15 2003
20030715-0901



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/759,601	01/16/2001	Alan Bensky	052625-5001

CONFIRMATION NO. 9436

23504
 WEISS & MOY PC
 4204 NORTH BROWN AVENUE
 SCOTTSDALE, AZ 85251



OC000000010459807

Date Mailed: 07/09/2003

NOTICE REGARDING RESCISSION OF NONPUBLICATION REQUEST

Applicant's rescission of the previously-filed nonpublication request is acknowledged. The rescission has been reflected in the Office's computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 10/16/2003.

If the applicant filed the application with a nonpublication request and then subsequently filed an application directed to the invention disclosed in the application with the nonpublication request in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, applicant was required to provide notice of foreign filing within 45 days after the date of the filing of such foreign or international application. If the rescission did not contain the notice of foreign filing (e.g., the PTO/SB/36, version 10/01 was not used), or if the notice of foreign filing was not filed within the 45 day period, the application is ABANDONED, and a petition under 37 CFR 1.137(b)/(f) is required to be filed. (See 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c).)

Any petition, filed with the rescission, under 37 CFR 1.137(b)/(f) to revive the application is being forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (703) 305-9282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

Specializing in:
Patents, Trademarks & Copyrights
& Corporate Matters

Harry M. Weiss* Janine Rickman Novatt*
Jeffrey L. Weiss* Farley I. Weiss
Jeffrey D. Moy* Mark H. Weiss
Andrew M. Harris* Karen J. Sepura
Craig R. Weiss*
*Registered Patent Attorney

Patent Agent:
Gudrun Passlack, Ph.D.

Of Counsel:
Jessica J. Weiss

WEISS, MOY & HARRIS, P.C.

Attorneys and Counsellors

4204 N. Brown Ave.
Scottsdale, Arizona 85251-3914
(480) 994-8888
Fax (480) 947-2663

E-Mail Address: patents@wcissiplaw.com

Washington, D.C. Office

1101 14th Street, N.W.
Suite 500
Washington, D.C. 20005
(202) 682-1722
Fax (202) 682-1723

Las Vegas, Nevada Office

5851 W. Charleston
Las Vegas, Nevada 89146
(702) 878-7323
Fax (702) 878-4510

Our Ref. 3842P2608
Your Ref. 09/759,601

The following document may contain confidential or privileged information. If you receive this transmission in error, please contact Mitch Harris at the above telephone number and destroy any copies made.

July 9, 2003

VIA FACSIMILE

5 Pages (Including this cover sheet)

From: Mitch Harris

706-782-9721 fax

706-782-9683 voice

Re: Application Number 09/759,601

To: USPTO Publication Department

attn: Barbara

Fax: 703-305-8568

RECEIVED
JUL 15 2003
TECHNOLOGY CENTER 2800

Attached is a communication regarding publication of the above-referenced application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Bensky, et al.

DOCKET NO.: 052625-5001 (3842P2608)

SERIAL NO: 09/759,601

EXAMINER: LAU, TUNG S.

FILED: 01/16/2001

ART UNIT: 2863

TITLE: ACCURATE DISTANCE MEASUREMENT USING RF TECHNIQUES

Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Weiss, Moy & Harris, P.C.
4204 North Brown Avenue
Scottsdale, Arizona 85251-3989

Dear Sir:

NOTICE

This Notice is submitted to correct an apparent PTO error/lost papers in the above-identified patent application.

REMARKS

Upon contacting the publication office, it was discovered that a Request To Rescind Previous Non-publication Request (PTO form SB-36) filed by Thomas Nelson on February 6, 2002 was not entered. Attached is a copy of the SB-36 as filed and a copy of the postcard received from the OIPE acknowledging receipt of the request. Applicants hereby request that the application be published as soon as possible.

CONCLUSION

The above-referenced application should be published as soon as possible and the application should not be held abandoned under 35 U.S.C. 122(b) (2) (B) (iii), as notice was timely given of international filing in compliance with 35 U.S.C. 122(b) (2) (B) (iii).

Respectfully submitted,



Andrew M. Harris
Reg. 42,638
(706) 782-9683
Weiss, Moy & Harris, P.C.
4204 North Brown Ave.
Scottsdale, AZ 85251

Jul. 7, 2003 2:06PM

No. 3979 P. 3

PTO/SB/08 (04-01)

Approved for use through 10/31/2002. OMB 0651-0091
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST TO RESCIND PREVIOUS
NONPUBLICATION REQUEST
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number	09/759,601
Filing Date	January 18, 2001
First Named Inventor	Alan BENSKY
Title	Accurate Distance Measurement Using RF Techniques
Atty Docket Number	052625-6001
Group Art Unit	2857
Examiner	Unassigned

I hereby rescind the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

February 6, 2002

Date

Signature

Thomas E. Nelson

Typed or printed name

JUL 15 2003

TECHNOLOGY CENTER 2200

RECEIVED

This request must be signed in compliance with 37 CFR 1.33(b).

Note: Filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c). If this rescission is filed no later than forty-five days (45) days after the date of filing of such foreign or international application. See 37 CFR 1.137(f). If a notice of subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is not filed within forty-five days (45) days after the date of filing of the foreign or international application.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box PG Pub, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)

Signature

Date

Burden Hour Statement: This collection of information is required by 37 CFR 1.216(b). The information is used by the public to record a previously filed request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that rescission). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Jul. 7, 2003 2:05PM

No. 3979 P. 2

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

U.S. Patent Application of: Shlomo BERLINER et al.

Application No.: 09/759,601

Unit: 2857

Filed: January 16, 2001

Examiner: Unassigned

BOX PG PUBFor: **ACCURATE DISTANCE MEASUREMENT USING RF
TECHNIQUES**

1. Request to Rescind Previous NonPublication Request 35 U.S.C.
122(b)(2)(B)(ii)

Dated: February 6, 2002
Attorney Docket No.: 052625-5001
TEN/typ

RECEIVED
JUL 15 2003

TECHNOLOGY CENTER 2800



DOCKETED

By: *[Signature]* Date: *2/7/02*